

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	
Plaintiff,)	8:07CV376
)	
vs.)	ORDER
)	
DAWES COUNTY, NEBRASKA,)	
)	
Defendant.)	

This matter is before the court on the defendant's Motion to Change Location of Trial to North Platte, Nebraska (Filing No. 23). The defendant seeks to have the designation of trial moved from Omaha to North Platte. The defendant states the subject of the lawsuit originates in Dawes County and all lay witnesses are from Chadron, Dawes County, Nebraska. Chadron is approximately 570 miles from Omaha and only approximately 250 miles from North Platte. Although counsel for the parties are located in Omaha, but they agree trial may take place in North Platte. The plaintiff does not oppose the motion so long as the judge assignment is not changed.

In deciding the place of trial "the judge shall give consideration to the convenience of litigants, witnesses and counsel." NECivR 40.1(b)(2). Under the circumstances of this case, it appears North Platte would be more convenient for the litigants, witnesses and counsel. Due to the nature of Chief Judge Joseph F. Bataillon's North Platte trial calendar, the progression of this case will be continued. An amended progression will be filed with this order. Upon consideration,

IT IS ORDERED:

1. The defendant's Motion to Change Location of Trial to North Platte, Nebraska (Filing No. 23) is granted.
2. The Clerk of Court shall amend the docket in this matter to reflect the place of trial is North Platte, Nebraska.

DATED this 1st day of May, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge